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| 10/646,270 | 08/22/2003 | Rong-Tsun Wu | LPIP121648 | 9640 |

26389 7590 10/30/2007
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| EXAMINER |
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FLOOD, MICHELE C.

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| ART UNIT | PAPER NUMBER |
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10646270 | 8/22/03 | WU, RONG-TSUN | LPIP121648 |

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EXAMINER

Michele Flood

| ART UNIT | PAPER |
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| 1655 | 20071025 |

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Commissioner for Patents

Acknowledgment is made of the receipt and entry of the amendment filed on August 16, 2007 with the cancellation of Claims 1-5 and 7-23, and the addition of newly submitted Claims 24-30. However, Applicant's response cancelling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Newly amended Claim and newly submitted Claims 24-30 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the subject matter of originally presented Claims 1-4 and 6 was directed to a product-by-process, namely an extract of *Polygonum multiflorum* Thunb., whereas the subject matter Claim 6 is directed to a method for treating a subject afflicted with a liver disease selected from the group consisting of liver dysfunction, fibrosis and liver cirrhosis, comprising administering to the subject a therapeutic amount of an extract product from the root of *Polygonum multiflorum* Thunb.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, substantially amended Claims 6 and newly submitted Claims 24-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Michele Flood
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Michele Flood
MICHELE FLOOD
PRIMARY EXAMINER